

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA, )  
 Plaintiff, )  
 v. )  
**Mario DIAZ-Hernandez** )  
 Defendant. )

Magistrate Case No.

**08 MJ 2741**CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 SEP -5 PM 12:33

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
 1324(a)(2)(B)(ii)-Bringing in  
 Illegal Alien(s) for Financial Gain

Title 8, U.S.C., Section  
 1324(a)(2)(B)(iii)-Bringing  
 in Illegal Alien(s) Without  
 Presentation

*Ag*  
DEPUTY

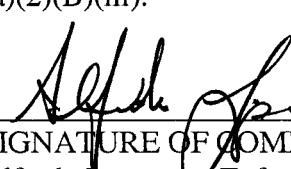
The undersigned complainant being duly sworn states:

**Count I**

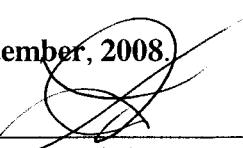
On or about **September 3, 2008**, within the Southern District of California, defendant, **Mario DIAZ-Hernandez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Ivon SANTAMARIA-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

**Count II**

On or about **September 3, 2008**, within the Southern District of California, defendant **Mario DIAZ-Hernandez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan RAMIREZ-Caraveo and Maria GARCIA-Maya** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

  
 SIGNATURE OF COMPLAINANT  
 Alfredo Loperena, Enforcement Officer  
 U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence this 5<sup>th</sup> day of **September, 2008**.

  
 UNITED STATES MAGISTRATE JUDGE

DOA 9-4-08 *gj*

APR 10

**PROBABLE CAUSE STATEMENT**

The complainant states that **Ivon SANTAMARIA-Garcia, Juan RAMIREZ-Caraveo and Maria GARCIA-May**a are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On September 3, 2008, at approximately 2156 hours, **Mario DIAZ-Hernandez (Defendant)**, and passenger **Ivon SANTAMARIA-Garcia (MW1)** applied for admission into the United States at the San Ysidro, California Port of Entry as the sole visible occupants of a 1981 yellow in color Buick Century. A Customs and Border Protection (CBP) Officer received two Border Crossing Cards (DSP-150's) from the Defendant and MW1, noticed they were impostors to the documents presented and requested assistance. Additional CBP Officers arrived on scene and escorted the vehicle, Defendant, and MW1 to secondary inspection.

In secondary, CBP Officers confirmed the Defendant and MW1 to be impostors. Upon inspection of the vehicle four (4) undocumented aliens were found attempting to elude inspection concealed in the trunk area. Two (2) of the four (4) are now identified as: **Juan RAMIREZ-Caraveo (MW2)** and **Maria GARCIA-May (MW3)**. MW3 suffered burns to her left torso and upper thigh area while concealed in the trunk area near the exhaust pipe of the vehicle.

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted to being the driver of the vehicle but denied having any knowledge of the concealed individuals in the trunk area. Defendant stated he was aware that his passenger, MW1, was not in possession of lawful entry documents. Defendant admitted he presented the DSP-150 cards to the CBP Officer. Defendant stated he is aware that it is illegal to smuggle undocumented aliens into the United States but did so in order to receive a waiver of his own smuggling fee. Defendant stated had he not agreed to drive the vehicle he would have been charged \$4,000.00, however, in return for driving his fee was waived completely. Defendant stated had he been successful at entering the United States he was instructed to deliver the vehicle to a gas station in Chula Vista, California.

On separate videotaped interviews Material Witnesses made the following statements: MW1, MW2 and MW3 admitted they are citizens of Mexico without legal rights to enter the United States. MW1 stated she was to pay approximately \$2,500.00 USD to be smuggled into the United States. MW1 stated she was en route to Los Angeles, California to seek employment. MW2 stated he was to pay \$3,000.00 USD to be smuggled into the United States, and was en route to Roland Heights, California to live with his wife. MW3 stated she was to pay \$2,000.00 USD to be smuggled and was en route to Santa Ana, California to seek employment and be with friends.